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YOUTH

Getting the ‘Right’ Youth Justice

...engaging with the findings of
the review of the Youth Justice
System in Northern Ireland

Parallel Discussions

Conference
REPORT

Parallel Discussions

Custody - Chaired by Dr Una Convery, Lecturer in Criminology

Demonisation - Chaired by Leanne Reilly, Communications Manager, Victim Support NI

Diversion from Reoffending - Chaired by Andy Moorhead, Project Manager, East Belfast Alternatives

Diversion from the Formal Criminal Justice System - Chaired by Elaine Conway, Policy Officer, Children in Northern Ireland (CiNI)

Minimum Age of Criminal Responsibility - Chaired by Deena Haydon, Childhood, Transition and Social Justice Initiative, QUB

Custody

General Thoughts on day so far:

- Good to hear young person's point of view - Woodlands was of benefit as he needed structure; other young person needed support after his release from custody
- Disproportionate use of remand and young people on remand for too long
- 18 year old shouldn't be in Hydebank during PACE
- Important we heard Leighton's voice from Hydebank – we need to be outward facing – we need to hear the voices of young people in custody and congratulations to Include Youth for capturing this
- “Institutions like this need to be outward facing... congratulations to Include Youth on capturing this”
- Woodlands is secure accommodation and Lesley McAra's lecture states less secure is more successful
- Rates of reoffending, especially just after release, are quite high however home leave/reintegration helps and we must realise custody is starkly different to the community e.g. quick access to mental health services, education, restrictions and rules....on the outside, young people are a lot freer to get away with things. PBNI are trying to maintain structure in the community; lots of checks etc but this can make the young person feel like they are in custody again – PBNI would welcome a debate regarding reallocation of funding to support these young people on release
- “Bail restrictions set young people up to fail”
- Electronic monitoring (tagging) could be a method of widening the net
- Some young people are happier in Woodlands than in the community due to the support and resources available.....this could mean that money should be pumped into the community to provide the same support/resources
- We need to look at a young person as a citizen/young person first and an offender second

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- Material interface – social services should provide support to young people being released...at a recent VOYPIC event, young people were quite negative about the social services support they receive. Billy Graham from BHSCT argued that social services do provide this support in order to help young people reintegrate
- More support should be provided that is welcomed by young people e.g. youth work approach. It was widely recognised that young people have a different attitude towards youth workers compared to social workers/probation officers- we need to offer young people support where they see it as just that (support)
- Huge differences in Community Service experiences....depends where they go and who their supervisors are and how much support they get from them
- We need to hear what the young people need and want
- We should look at what is available in the community for young people rather than Woodlands.

Feedback on recommendations:

- 18 months to remove YP from Hydebank – Head of social work and residential care in Hydebank stated this will take time, the capacity doesn't work at present, they need to restructure the daily events e.g. education, they have stopped taking under 18s being referred from court, everyone in Hydebank custody is over 17 years old at present, where do serious under 18 offenders go? The one's who are not suitable for group living which happens in Woodlands
- A practitioner who is based in Hydebank stated some young people wanted to stay in Hydebank as Woodlands didn't work for them. However, the flip side of this is that young people are reoffending to get back into Woodlands as they had such a good experience
- Need to remember Article 3 – Best Interests of the child
- Problem with Woodlands is that it works with 10-17 year olds – a 17 year old doesn't want to be treated like a 10 year old
- Young people compare Woodlands as primary school, Hydebank as secondary school and Maghaberry as university
- Under 18s should not be in Hydebank but this is difficult to push this through when Hydebank aren't ready to move them out yet
- Governor in Hydebank would state (according to Ronan) that under 18s shouldn't be there. However, legislation exists for judges to send young people there and so they will keep sending them there. Do judges and sentencer's have knowledge of Hydebank and Woodlands? Would this make a difference? There is also a loophole where if a young person offends 3 times they are automatically sent to Hydebank
- The solution for under 18s has to be right
- Hydebank is staffed for 36 young people but the unit has the capacity for 48 young people

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(understaffed!). They are 5 staff down at present, BUT if they had 6 more staff, they could house all young people from Hydebank who are under 18

- There were 9 young people under 18 in Hydebank, 4 of whom were on remand in yesterday (26/10/11). Mental health problems are rife and these young people are at risk of taking their own life. Locking people like this up for 23 hours a day is torture
- A practitioner based at Hydebank stated that 23 hour lock up was not routine.]
- Paddy Children's Law Centre stated that an RQIA was carried out and found that not all staff working in Hydebank are Access NI checked. There is no CAMHs or paediatrician provision. There is a need to push this 18 month time limit. How many CJI reports are needed – always the excuse of not ready but 11 years ago the same conversations were being had – there has been plenty of time but they are not moving forward
- Una Convery Stated that earlier this year, David Ford stated that children would not be moved out of Hydebank as there weren't the resources to facilitate this
- Workshop member stated it doesn't matter what institution does what – we are failing international standards and we need 'political will' to sort it out
- Hydebank internal review stated children will be moved to Woodlands by March 2012
- John Graham stated that resources is a red herring issue – if children are took out of Hydebank then that frees resources up in Hydebank i.e. there is money available and it shouldn't be a problem
- Judges don't just sentence someone to custody but they sentence they where to go also. There needs to be a change in legislation to stop this happening. Should judges have the authority to say where they should be held? A semi-secure facility may be a solution – there is a halfway house in Netherlands and Bristol where young people are in the community during the day participating in daily routine of school, training, work etc and then secured at night. They are given a 3 month period to demonstrate they are ready to go back into the community and in the meantime have security and support if they are having issues
- 1 person, 1 plan system- each Young person is allocated 1 keyworker who is responsible for transition from custody to community and the relationship between the young person and their keyworker is critical to their success
- More open facilities where young people can integrate into their community are needed in Northern Ireland
- NI Human Rights Commission recommended small secure units for young people. However 1 large unit was created (woodlands) due to money constraints
- Generally, Young people who can move on and change are the ones who have more positive relationships with staff/keyworkers.....however a young person's reoffending isn't always down to this relationship as it has to be the right time in their life for moving on and change
- There needs to be more discussion around punishment. Punishment is not the same as rehabilitation. The public claim lock them up and we will be safer...this attitude is down to political will again. We can't blame the public for failing to implement correct rehabilitation

methods as maybe politicians and media would like us to believe. Local politicians were willing with the Hillsborough agreement but it was blocked by NIO. If public were properly informed about the circumstances of these young people and the harm custody can do, they would probably be more liable to agree with practitioners but politicians are afraid to bring the 'right' argument to the public

- Their needs to be independence around this consultation process and there is a need for an independent committee to gather evidence so the process is in depth
- PACE places – could be reduced by statutory requirement by trust to find a place of safety for these young people. Some felt the trust were happy with the PACE process so there is not pressure on them to find somewhere for that child at 1am on a Saturday morning. Billy Graham (Belfast HSC) stated that the Trust already have that responsibility as they are corporate parents – others felt it was not happening
- Remand time is too long – those in remand cannot access programmes e.g. anger management and once they are sentenced they are released as they have already served their time on remand and have not participated in any rehabilitation work whatsoever. Remand timescales are ½ length in England and this drastically needs improved. There is a feeling these time limits are influenced by Legal Aid. Solicitors advise clients not to get involved in rehabilitation work as it is admitting guilt in away. There is a responsibility on courts for changing remand. Experience of judges at external events are positive and they do have the best interests of young people at heart and do see them as a person not an offender
- There is a structural problem in Northern Ireland where solicitors have too much power. (e.g. advising young people not to access services as it will be seen as an admission of guilt)
- Bail – accommodation/address is not an excuse to deny bail – fostering or bail support are solutions
- The Hydebank recommendation and 4 other relevant bills need to be put into legislations now so time is no longer an excuse. Pressure needs to be put on DOJ
- In Scotland, electronic monitoring is used; otherwise young people would be in prison. Is this a way forward? Obviously a rehabilitation support package needs to be put in place as well as the tag. This provides opportunities for young people to maintain training, employment etc.

Three points:

- Hydebank should be closed to children
- Need legislative change to address issues regarding overuse of custody, courts and PACE
- There needs to be more emphasis on structural change in relation to supports in society.

Demonisation

Question: What views do you think these groups have of young people at risk of offending behaviour or in conflict with the law?

Young people (in general):

- A nuisance to society, fear, intimidated, judgemental/ashamed, blame/scapegoat
- Very negative – quick to point finger
- Don't recognise risks
- Pissed off
- No one cares
- Would think they are quite cool or don't have much of an opinion
- Others might be scared of them
- Some young people might be victims of them and have a sense of fear
- Might not want to associate with them
- Working class communities might be more accepting – grey area- not involved but connections to people who are not sympathetic to young people in conflict with the law
- People afraid to go out at night
- Parents slamming doors in face of people
- Paramilitaries putting young people under curfew
- Punishment beatings
- Fear and reality on the ground
- Culture self perpetuates itself
- Tacit acceptance of paramilitaries – as they keep control in some communities
- Different communities – religious, constituencies
- Army bases – very broad context – communities within communities.

Media:

- Negative attitudes create easy target with no come back
- Makes for 'good' story
- Look for negative (story)
- Poor/negative/stereotype
- Lack of understanding
- Print anything
- Negativity sells
- Sell to most common denominator
- Sensationalism

- Gangs of raging hoodies
- Would they have more empathy for those at risk?
- Everyone who wears a hoodie is a criminal
- Sky News had a lot of empathy during [London] riots – spoke to young people
- They don't always demonise
- They pull on your heart strings
- Media mostly demonise.

Community:

- Want to disown and disclude
- Hoods/scum easy targets
- Complacency
- Shame
- Support – concern
- Desire to make a difference
- 'Scumbags' – 'disown' – quick fix
- Getting balanced view - put them out
- Good work happens
- Conflict with PSNI – positive
- ASB – shifting
- Some stuff acceptable
- Depends on community relationship with PSNI
- PSNI invasive
- Indifferent – if not affected
- Uniformed – no overriding interest – since there is no genuine wide scale joint up approach
- Lack of transferability re Policy in Northern Ireland.

Government and civil servants:

- Tokenistic – not inclusive of young people
- Political correctness
- See young people as problem not solution
- Some better than others
- Hope supportive and understanding
- 'Wasting resources'
- Councils – (vandalism) costs money
- Detached – not interested
- Lip service

- Flash Funding
- Pre election important
- Nervous
- Why does politicians criminal records not count anymore.

Elected representatives:

- Reflection of electorate – hypocrisy
- Selfishness
- Some champions
- Different parties have different views
- Records/activities not hold them back
- One rule for politicians one for young people
- Only relevant if it fits with their political agenda and wins votes.

Question: How do you think these views impact on young people at risk of offending behaviour or in conflict with the law; and give examples of how they might respond?

- Reinforces isolation, not being respected
- Low self worth/self esteem, confidence
- Despair
- Loneliness
- Pressure
- Anger
- Frustration
- Disappointment
- If you are told you are bad – you will be bad
- Damage limitations.

Question 3: You are the Director of BBC Northern Ireland and have been tasked with changing negative attitudes towards young people at risk of offending behaviour or in conflict with the law. What could you do to bring about a positive change for these young people? Identify any obstacles that might stand in the way of change and come up with possible solutions.

- Being realistic – reasoned debate
- Positive role models on TV programmes
- BBC – public funding
- Requirement – good news stories
- Responsible

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- Journalist training
- Involved in local community
- Young people to have voice in BBC – drama music programme
- Responsibility to be balanced good news (normal)
- Focus groups /forums with young people
- Young people involved – voices heard.

Question: You are the Junior Minister and have been tasked with changing negative attitudes towards young people at risk of offending behaviour or in conflict with the law. What could you do to bring about a positive change for these young people? Identify any obstacles that might stand in the way of change and come up with possible solutions.

- Poverty Social Exclusion
- Statutory duty to cooperate
- Promote cross sectoral cooperation
- Promote bottom up approach – community consultation
- Promote children’s versions or policy that affects children/young people
- Promote participation
- Child poverty act (2020)
- Invest in earlier intervention
- Awards for children and young people
- Positive images – press
- Young people’s voice heard more
- Conference and events across NI – not just Belfast
- Promote children’s champions in each of government departments
- Press office/children’s ministry children’s budget planning
- Include Family Support Focus
- Budget – money – children’s fund
- Government departments not working together
- Media negativity
- Young people need more information and steer towards opportunity.

Question: You are a local Councillor in a town that has experienced anti social behaviour and have been tasked with changing negative attitudes towards young people at risk of offending behaviour or in conflict with the law. What could you do to bring about a positive change for these young people? Identify any obstacles that might stand in the way of change and come up with possible solutions.

- Engage with front line service providers always including young people – either directly or

including the voice of the young person - youth workers, community workers, young people, NGOs, statutory bodies

- An inclusive multi-agency approach
- Record – set targets – set against time frame – be realistic
- SMART targets – roles and responsibilities
- Build in Review – key outcomes
- Evaluate and reflect.

Diversion from Reoffending

What do you think of the discussions so far?

- People that face most difficulties are NEETS – they are not mentioned
- There is so much out there. There is no clarity of how they all link up
- Participation is at the core of youth work principles. Volunteering on part of young person is essential. But what happens if the young person does not wish to engage? Young person does not always see need for work eg anger management; they only do it because they have to. They see it as a punishment
- Some agencies get left out if they are not in the loop
- Nothing new. Same things that have been recommended for a long time. This is the same conversation – after so many years. They are trying to solve the same issues using the same ways previously employed
- Review disappointing. Recommendations seem to follow same routes
- Disappointing how education has been underrepresented in the review
- No helpful input from ELBs to show how we've completed some good work in the past ten years. In NI low number of young people excluded compared to wider UK. Helpful to see stats around that
- Input lacks evidence base and stats
- DEL is missing from report
- Young people in Hydebank marginalised in terms of education
- Criminalised whilst in care but not if in the home
- Young people become more visible to Police, Courts etc.

What are we going to do to move forward?

- Have to begin to show good practice out there
- Education and Library Board will be making a response. Excellent outreach – teachers go into schools to help prevent exclusion and develop capacity with teachers to help young people, out on bail conditions, to stay on at school. We also work with schools to allow school to let young people back to school on bail

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- What special needs are we talking about in the review? Different understanding about term. All agencies should improve their understanding of 'special needs'
- Young people leaving custody with one year to go the school doesn't want to know. What opportunities are there to get back to school after JJC if they haven't been at school before they went in
- 75% of young people left school before 13. 65% left school prior to 14th birthday ADHD/Aspergers
- Great need for interdepartmental working – has to be joint working
- Young people locked up not receiving education and skills they are marginalised. Young people have to go to workshops with older inmates or they get nothing. Juveniles need moved ASAP
- Over representation of looked after children. Looked after children shouldn't be in the justice system they wouldn't be as likely to be in it if they were at home. Young people in care system becoming motivated, ready for work but convictions still remain a huge barrier
- Barnardos have good practice of not putting young people through the justice system
- Young people become more visible to police because they are in units and in the justice system already
- Time and time again young person gets motivated and at the final hurdle they fall. Placement provider/employer prefer not to bother taking them on if they have a record. They have too many other to choose from and don't need the bother with regard to insurance /risk assessment etc.
- Young person shouldn't be disadvantaged forever
- 'Clean Slate' would greatly benefit young people accessing employment training
- 'Clean Slate' would also help PSNI
- Where is employability if young person is excluded from, for example child care/ medicine when the cause of offence was at 14? Not minimizing but needs looked at
- Unless there is risk to children/vulnerable people young people with low level offences shouldn't be disadvantaged
- Day release – not new used to have this. Anything that can increase employability all the better
- Average occupancy of Woodlands is 30. Could be helped by reducing remand
- Community interviews needed to work with young people. Follow up with young person's ten point strategy – very good
- What young people want is stability and routine from what they said they will form routines themselves
- Accommodation – don't know where they are going when they are due for release. They have no where to go when they come out
- Statutory agencies don't know what is going on with young people's family or school. They need to listen to the young person. There is always something going on to make them

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offend. They don't offend for no reason

- Advocate to help young person. If young person re-offends they can be put out of community. Youth worker needs to address community and ask for patience
- We need to accept responsibility as a society there needs to be a wider consideration of child model. (child at centre)
- Community wants things dealt with; they want things done quickly wider community not being brought into picture. Need public will
- Youth conferencing - See shift in resource, Community based interventions, No deterrent- young person N02 () -261.8 (wwear) 25.6 () -175.3 (t7 (ch2 T) -193.8 (mulsipl) 15.6 () -192.7 (ponfer) 1

- Huge lessons to be learnt around early intervention
- Allow different agencies to make discussions about putting recourses
- Work needs to be intergraded but government need to work together, you need goodwill
- Oversee a process whereby in next two years every area in Northern Ireland should have a family hub support for early intervention. We need community based family support in are areas
- Family support are running a family hub at present to see the benefits of it, it is a good way of getting services to families quickly – good relationships with youth diversion offices and it is working really well and we are seeing great outcomes
- We need to make sure organizations are aware of the services
- We may not be able to provide everything but know organizations that will
- We need to keep testing it in small community groups in local areas
- How can we show outcomes of work we are doing? How do we evaluate something that hasn't happened?
- Need for cross community support
- Media have a lot to answer for they only want to report on the bad things that are happening.

Minimum Age of Criminal Responsibility

(below which a child is presumed not to have the capacity to infringe the penal law and is held fully accountable for their actions)

Based on the conference presentations so far, and your own views and experiences, what is your response to the:

Review Team Recommendation 29 - The minimum age of criminal responsibility in Northern Ireland should be raised to 12 with immediate effect, and that following a period of review of no more than three years, consideration should be given to raising the age to 14.

Include Youth Recommendation on MACR - The minimum age of criminal responsibility should be raised to 16 years of age in line with international standards and consistent with other jurisdictions.

Quick poll – number who think the minimum age of criminal responsibility should be:

- 10 years old
 - 12 years old: 2
 - 14 years old
 - 16 years old: 6
 - 18 years old: 3
-
- International standards state that the minimum age is 12 (UN Committee on the Rights of the

Child, General Comment No 10). Agreed that debate should start at 12 as this is something which is achievable. If discussion focuses on a higher age it will be de-railed. Once 12 is agreed, there should be further discussion with the aim of moving towards 14 – based on evidence about how children below this age will be dealt with using welfare-based responses

- A key issue is clarifying the process which will be put in place to assess responsibility and respond to the child's behaviour in a non-criminalising way. People want to know what is going to happen to the child – not necessarily to punish them but to help them understand the upset/ harm caused by their behaviour and to take responsibility for this
- Development of appropriate services to meet the needs of those who would otherwise enter the criminal justice system (ie who behave in ways that would be considered an offence if they were above the age of criminal responsibility)

Review Team Recommendation 30 - We further recommend that, in the intervening period, appropriate local services and programmes should be developed to meet the needs of children and young people who would otherwise have entered the criminal justice system.

Include Youth Recommendation - Children below this age who display concerning or harmful behaviours should be recognised as children with often complex needs. Interventions directed towards children below the minimum age of criminal responsibility should comprise a range of differentiated services and systems such as: family support; social services; family group conferencing; secure care provision only as a last resort and in rare cases where that level of provision is established as essential.

- The focus of services and programmes should be on outcomes which benefit the young person and society
- The broader social, economic and political contexts have to be recognised within policy and practice (ie legacy of the conflict; policing in working class communities; how the state/ government bodies relate to different communities and the structural relations of power)
- The existing framework needs to be re-framed – away from notions of 'risk', 'failing'/ 'bad'/ 'anti-social'/ 'stupid' young people towards notions of 'need' and 'vulnerability'
- The current framework affects funding criteria, which then shapes what statutory and voluntary/ community agencies do and influences how they describe their work (eg targeting 'at risk' young people to reduce 'anti-social' behaviour within communities)
- Instead of policy priorities and resources being focused on the extreme and untypical behaviour of a few young people, emphasis should be placed on provision of community-based, universal services. In particular, these should support: the welfare and well-being of all children and young people; children and young people going through transitions; parents and

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families; youth and community work with young people (especially those not attending, or excluded from, mainstream provision); the broad education of the child (including responses to non-attendance, special educational needs, feelings of 'failure' as a result of selection procedures and limited opportunities for educational achievement/ training/ employment)

- Where children and families require additional support, this should be child-centred, individually-based and holistic
- If a child has behaved in ways which have caused upset or harm, they need to be helped to understand that they have done something wrong and to take responsibility for their actions. But responses should avoid criminalising the child
- The silo mentality of government departments could be addressed through a statutory duty to co-operate and pooled budgets
- As resources are a central issue, it would be helpful to explain how early intervention is cheaper in the long-term than the cost of custody or secure care.